

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-11
ROLLING ACRES
JULY 29, 2020**

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a 77-lot residential subdivision, to be known as Rolling Acres. The lots would be served by shared wells, individual septic systems, and a community sand mound septic system. Access to each lot would be from a network of new internal subdivision roads via Columbia Falls Stage.

B. Project Personnel

i. Property Owner

Betty Trueblood
Stacy Isch, Personal Rep.
40 Claremont Ave #141E
Kalispell, MT 59901

ii. Applicant

Unique Realty Developer, Inc.
2783 Columbia Falls Stage
Columbia Falls, MT 59912

iii. Technical Representative

TD&H Engineering
Doug Peppmeier, P.E.
450 Corporate Drive #101
Kalispell, MT 59901

C. Application Review Date

1. Land Use Advisory Committee/Council

The proposal is not located within the jurisdiction of a land use advisory committee.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on August 12, 2020 at 6:00 P.M., remotely via WebEx. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

3. Commission

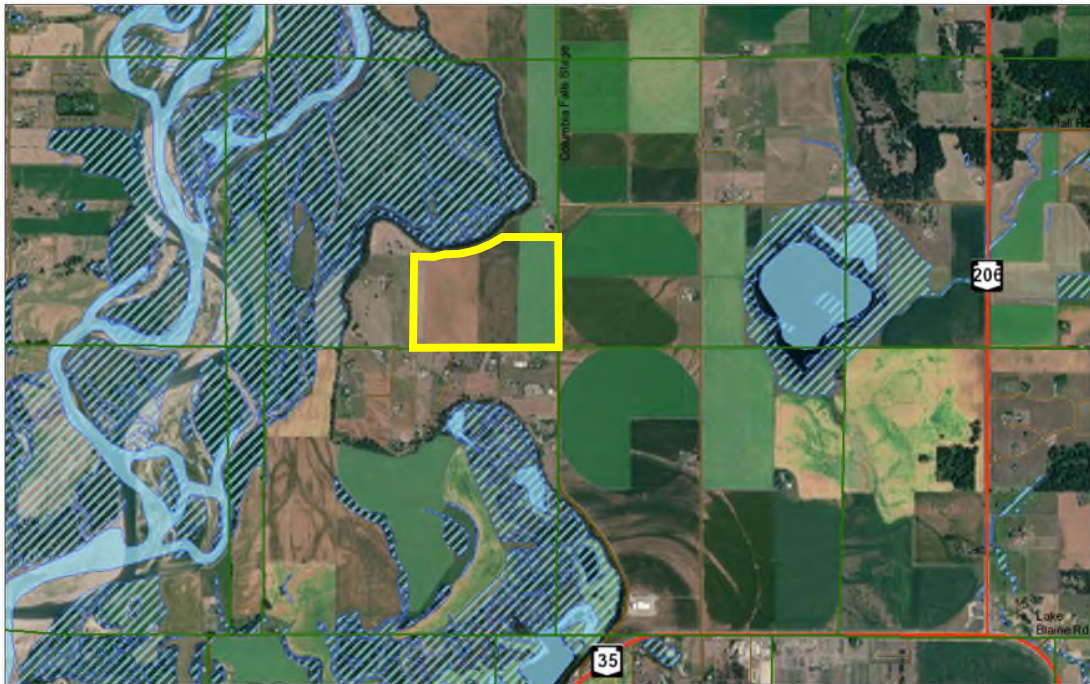
The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to September 21, 2020, which is the end of the 80-working day statutory review period.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is 114.39 acres in size and is located west of Columbia Falls Stage and north of Kingfisher Lane, near Kalispell, Montana, and can legally be described as Tract 1 in the Southeast Quarter of Section 30, Township 29 North, Range 20 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject properties outlined in yellow



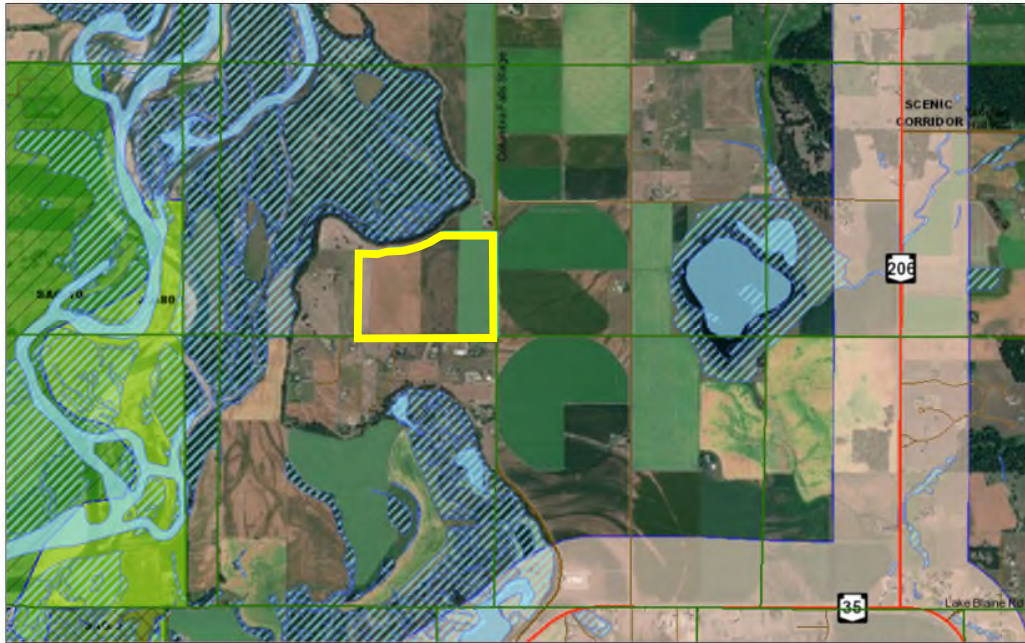
B. Subdivision Layout Detail

1. Total Subdivision Acreage:	114.39 acres
2. Acreage in Lots:	88.34 acres
3. Acreage in Roads:	16.63 acres
4. Total Open Space Acreage:	9.43 acres
5. Minimum Lot Size:	1.00 acres
6. Maximum Lot Size:	1.36 acres
7. Density:	1 unit per 1.49 acres

C. Current Land Use and Zoning

The subject property is not zoned (see Figure 2). The property is undeveloped and currently in agricultural production.

Figure 2: Surrounding zoning, subject property outlined in yellow



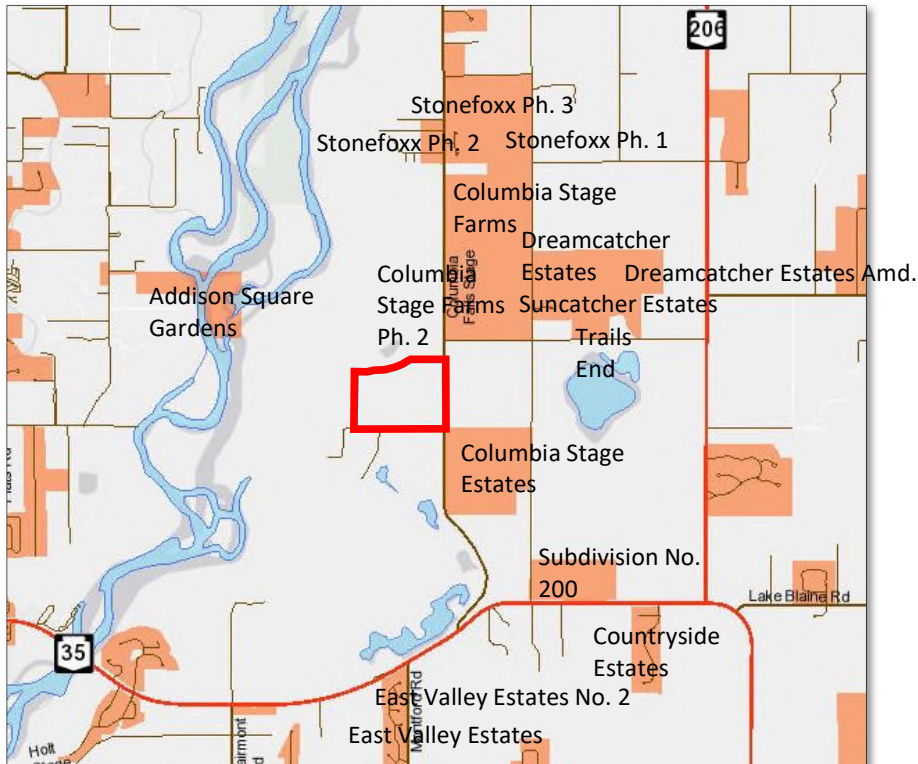
D. Proposed Land Use

The proposed subdivision would create 77 residential lots. The average size of lots within the subdivision would be 1.15 acres. Lots within the subdivision would be served by shared wells, individual septic systems, and a community sand mound septic system. Open space for the subdivision is proposed within an existing 200-foot-wide BPA right-of-way spanning the property. Five new internal subdivision roads would provide access to lots within the subdivision.

E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Columbia Stage Estates (1995)	Residential	5	30.0 acres
Columbia Stage Farms (1999)	Residential	4	36.8 acres
Columbia Stage Farms Ph. 2 (1999)	Residential	4	39.0 acres
Suncatcher Estates (2006)	Residential	4	5.1 acres
Dream Catcher Estates (2000)	Residential	5	27.4 acres
Amd. Plat of Lots 1 & 2 of DCE (2008)	Residential	2	20.4 acres
Trails End (2003)	Residential	3	20.4 acres
Heritage Ranch (2005)	Residential	4	5.2 acres
Stonefoxx Ph. 1 (2004)	Residential	4	15.1 acres
Stonefoxx Ph. 2 (2005)	Residential	8	2.6 acres
Stonefoxx Ph. 3 (2004)	Residential	2	30.7 acres
Subdivision No. 200 (2001)	Residential	3	24.2 acres
Addison Square Gardens (2002)	Residential	2	43.2 acres
Countryside Estates (2019)	Residential	24	2.0 acres
East Valley Estates (2005)	Residential	17	1.2 acres
East Valley Estates No. 2 (2009)	Residential	28	0.8 acres

Figure 3 – Area subdivisions, subject property outlined in red



F. Utilities and Services

1. **Water** – Shared Wells
2. **Wastewater** – Individual Septic Systems
3. **Electricity** – Flathead Electric Cooperative
4. **Natural Gas** – N/A
5. **Solid Waste** – Evergreen Disposal
6. **Telephone Service** – CenturyLink
7. **School District(s)** – Fair-Mont-Egan Elementary, Flathead High School District
8. **Fire District(s)** – Creston Fire District
9. **Police** – Flathead County Sheriff’s Department

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on July 7, 2020:
 - Bonneville Power Administration
 - Creston Fire District
 - DNRC
 - Fair-Mont-Egan Elementary School District
 - Flathead City-County Health Department
 - Flathead Conservation District
 - Flathead County Address Coordinator/GIS Department
 - Flathead County Road & Bridge Department
 - Flathead County Sheriff’s Office

- Flathead County Solid Waste District
 - Flathead County Superintendent of Schools
 - Flathead County Weeds & Parks Department
 - Kalispell School District
 - Montana Department of Transportation
 - Montana Fish, Wildlife & Parks
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead County Road & Bridge Department
 - Comment: “[...] After our review of the application and Appendix Q – Traffic Impact Study, prepared by Abelin Traffic Services, we do not have any comments at this time.” Letter received July 9, 2020
 - Bonneville Power Administration
 - Comment: “The Bonneville Power Administration (BPA) has reviewed the above-mentioned proposed plat and its relationship to the BPA 200-foot wide transmission line right-of-way that this plat impacts. BPA does have some concerns with the activity that may occur within the Rolling Acres Subdivision (Preliminary Plat – General Lot Layout) and the proposed lots (numbered 1, 2, 3, 4, 5, 8, 27, 28, 39 and 40) intended for residential lots as well as the subdivision’s sections of Meadow Lark Drive, Snow Peak Road, Jayla Lane and Wiedy Lane which cross BPA’s right-of-way.”

“BPA easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all activities planned within the BPA right-of-way need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as buildings, public roads, driveways, utilities, small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner’s expense.”

“In order to avoid problems in this location and to notify prospective landowners, BPA requests that the language be included on the plat map:”

“The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (509) 468-3081.”

“Whether or not this property is subdivided and/or this plat approved, the owner will need to submit a land use application, the associated \$250 landowner application fee and/or the \$2,500 for the subdivision application fee and acquire a Land Use Agreement from BPA for any portion of the owner’s development plans that lie within BPA’s right-of-way. Enclosed is

some information indicating compatible uses of BPA rights-of-way and a land use application for the developers use. [...]” Letter received July 13, 2020

Enclosures: ‘Landowner’s Guide for Compatible Use of BPA Rights-of-Way’, ‘Keeping the way clear for safe, reliable service’

- Flathead City-County Health Department
 - Comment: “This office has reviewed the information provided and submits the following comments:”

“This project proposes 77 lots served by individual wastewater treatment systems and shared wells. This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal.” Letter received July 16, 2020
- Montana Fish, Wildlife & Parks
 - Comment: “We appreciate the opportunity to comment on the preliminary plat approval of Rolling Acres Subdivision. The proposed subdivision would create 77 lots on 114.9 acres to be accessed from Columbia Falls State Road in Flathead County, Montana. This subdivision would be constructed in agricultural lands in a very rural part of the Flathead Valley. It sits between Columbia Falls Stage Road and the Flathead River, just outside, but adjacent to, the river’s riparian corridor. It is in close proximity to two large conservation easements that together protect nearly 900 acres of riparian habitat, wetlands, and agricultural land along the Flathead River from subdivision, providing wildlife habitat and movement corridors. A map reflecting the existing conservation easements and this proposed subdivision is included at the end of this document. Agricultural land along the river corridor, like this property, provide important habitat for numerous wildlife species, including spring nesting habitat and fall feeding for migratory waterfowl, pheasants and turkeys, as well as habitat for white tailed deer and elk. The adjacent riparian areas comprise important movement corridors for both grizzly and black bears, as well as the occasional mountain lion. We anticipate that the development of this subdivision will result in increased levels of human-wildlife conflicts, as well as a significant loss of wildlife habitat and connectivity along the riparian movement corridor. Cumulative impacts from this high-density housing development will add to the continued loss of wildlife habitat in the Flathead Valley. The open space provided is a powerline corridor and will not function as wildlife habitat or provide a useful movement corridor.”
 - Development of the property would decrease deer and elk winter range habitat which could increase game damage on crop lands and riparian areas. Suggests the developer review recommendations and coordinate with FWP when designing the lot layout.
 - Clustering development can mitigate impacts on spring migratory waterfowl.

- The comment provides 11 recommendations to help minimize wildlife attractants and human/wildlife conflicts. Letter received July 22, 2020
- Flathead County Solid Waste District
 - Comment: “Thank you for the opportunity to comment on the above referenced subdivision. The landfill capacity currently available is from 30 to 60 years based upon an annual tonnage increase of 2% per year respectively.”
 “The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. Evergreen Disposal is the (PSC) Public Service Commission Licensed hauler in this area. Their business phone number is 406-257-1739.”
 “After reviewing the project summary, I believe that the issue of solid waste disposal has been addressed.” Letter received July 24, 2020
- Flathead Conservation District
 - Comment: “After review of the Major Subdivision Preliminary Plat Application, the main concerns of the Flathead Conservation District include loss of agricultural lands and potential impacts from Nonpoint Source Pollution.”
 “Some of the area proposed for subdivision is identified as Prime Farmland and Prime Farmland if Irrigated. These farmlands are not plentiful and account for approximately only 1 percent of total acreage in the county and are concentrated in the Creston area. According to census data, farmable acreage and food production are decreasing in Flathead County. If developed it will result in a permanent loss of important agricultural land and may have future impacts on the County’s food security and access to locally produced crops.”
 “The location of the proposed development also poses potential, long-term impacts to Flathead River from Nonpoint Source Pollution. As reported in the Flathead Lake Watershed Restoration Plan, developed areas on the lower Flathead River contribute significant pollution to Flathead River, and subsequently Flathead Lake. The increase of impermeable surfaces from development will result in increased stormwater runoff entering Flathead River and reduce groundwater infiltration to underground aquifers. Overtime, septic leachate may also enter Flathead River if septic systems are not maintained regularly by all 77 landowners.” Letter received July 23, 2020
- Creston Rural Fire District
 - Comment: “A project of this size does bring to the forefront several safety concerns. Obviously the amount of traffic that would “dump” onto an already busy Columbia Falls Stage Road is a safety issue. It is well known that drivers use this road as a “connector” to Hwy 35 and it is also known that the posted speed limit seems to serve as a suggestion only to many of these drivers who are often inattentive to the world around them. Putting vehicles of the number

that will come from this large development will serve to create many safety hazards.”

“From a fire perspective this project will require either a fire hydrant system (preferred) to International Fire Code standards or a large quantity water tender recharge facility. If a recharge facility is the chosen method of water delivery for fire, the minimum usable gallonage will be 30,000 gallons with a “keep full” filling requirement and a minimum of a 500 gpm discharge pump from the tank(s). We would need to coordinate the location for such a facility as it must be accessible from all areas of the development year round and it must be capable of handling large, heavy truck traffic, ideally this water facility would be near Columbia Falls Stage. Maintenance of such facility will initially be the responsibility of the developer with future responsibility going to the HOA. Such facility would have to be completed and operational prior to any building within the development.”

“Other concerns are for ease of access to all lots and easy to read signage to include address numbers visible from the main roadways. It is difficult to tell just what challenges the Bonneville Power Administration easement and associated facilities might have with regard to access and safety issues. That will be one item for discussion in the future. Internal roadways will need to be able to handle large truck traffic, particularly the radius’s at corners and onto Columbia Falls Stage must be sufficient to allow for fire apparatus to easily make the corner on paved surface without backing.”

“It appears each lot is in the 1.25 to 1.5 acre approximate size range. Lots of this size can often become overridden with weeds and grass which pose a fire hazard to not only a single lot but to others in the area. I assume the covenants would address lot and vegetation care, etc.”

“Please keep me informed as plans progress for this development.” Letter received July 24, 2020

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on July 24, 2020, legal notice was published in the Daily Interlake on July 26, 2020, and notice of the proposal and public hearing was physically posted onsite on July 24, 2020.

As of the date of the completion of this staff report, two written public comments have been received regarding the proposal. Concerns addressed in the public comment include: roads, density, wildlife, traffic, crime, air pollution, noise pollution, and water quality. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

The average lot size within the subdivision would be 1.15 acres. The Environmental Assessment (EA) states, “The subject tract is currently in agricultural production and has been historically. Primary crops would have been and are small grains such as winter wheat, spring wheat, or barley. Typical yields respectively would be 65.3 bushels/acre, 46.4 bushels/acre, 63.1 bushels/acre. The subject tract was also used to grow canola producing 1,180 pounds/acre.”

“The surrounding land on the north side and the south side has been developed or subdivided for single-family parcels. The property east across Columbia Falls Stage Road is currently in agricultural production. Probable impacts may include dust, fumes, and noise which could occur during the normal farming cycle of planting and harvesting. Columbia Falls Stage Road will provide a buffer for the proposed subdivision which will minimize conflicts. The farmland should pose minimal impact to the proposed subdivision.”

“There are no agricultural water works, canals, irrigation ditches, pump houses, on site or adjacent to the proposed subdivision. Historically there is evidence of irrigation occurring on the subject tract. Recently, however, the land has been not been irrigated. The property is not located within an agricultural water district.”

According to the National Resources Conservation Services (NRCS) soil survey submitted with the application, approximately 87.2% of soil types on the property are classified as prime farmland and the remaining of soil types are classified as not prime farmland.

Comment received from the Flathead Conservation District indicates concerns in regards to removing soils classified as prime farmland from agricultural production. The comment states, “These farmlands are not plentiful and account for approximately only 1 percent of total acreage in the county and are concentrated in the Creston area. According to census data, farmable acreage and food production are decreasing in Flathead County. If developed it will result in a permanent loss of important agricultural land and may have future impacts on the County’s food security and access to locally produced crops.”

The proposed subdivision is not anticipated to conflict with access to or use of adjacent agricultural land. However, to prevent potential future conflicts between the adjacent agricultural land and future lot owners, a statement should be placed on the final plat alerting potential buyers of the possibility of nearby agricultural activities and associated impacts.

Finding #1 – The proposed subdivision is anticipated to have an impact on agricultural facilities because the property is currently in agricultural production, the majority of soil types on the property are classified as prime farmland, and comment from the Flathead Conservation District indicates concerns regarding the loss of agricultural

land; however, there would be minimal impacts to adjacent agricultural facilities and water user facilities as a result of the proposed subdivision because adjacent properties are not dependent upon the subject property for continued agricultural use, and the property has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.

2. Local Services

a. Water and Wastewater Services

The proposed subdivision is not located adjacent to public water or wastewater services and instead will be served by shared wells, individual septic systems, and a community sand mound system. Comment from the Flathead City-County Health Department states, “This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal.” A preliminary analysis submitted with the application indicates the proposed water and wastewater systems would meet the Montana Department of Environmental Quality standards.

According to the EA, groundwater monitoring performed on the site in early March indicated groundwater is greater than eight feet from the surface. Supplemental information submitted with the application states, “In order to more comprehensively explore the occurrence of shallow groundwater at the site, a shallow groundwater monitoring well was drilled on April 26, 2020. The well was drilled to a total depth of 46 feet below ground surface (bgs) and complete with a screen from 6 to 46 feet bgs. The well was allowed to sit for a period of 26.5 hours before the water level was checked. Upon checking the water level of the shallow well, no water was observed. Therefore, groundwater is expected to occur within five feet of the natural ground surface.”

The applicant is proposing to utilize shared wells which would serve two lots each. The EA states, “Each newly created lot will be served by a shared private well to be installed at the time of development conforming to the 35 gpm and 10 acre-foot flow criteria from Department of Natural Resources & conservation (DNRC).”

The applicant is proposing to utilize individual septic systems or a community sand mound septic system. According to the EA, the proposed subdivision is estimated to produce a total of 26,950 gallons per day (gpd) of effluent based on the standard of 350 gpd per three-bedroom single-family residence. According to the preliminary non-degradation analysis submitted with the application, the nearest surface water is the Flathead River which is located approximately 3,200 feet from the property. The analysis states, “The resulting calculations indicate it would require 1,391 years for phosphorus breakthrough at this point.”

Finding #2 – The proposed subdivision would have minimal impact on water and wastewater services as the property is not located within a water and sewer district, the proposed subdivision would utilize shared wells, individual septic systems, and a community sand mound septic system, and the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality as applicable.

b. Solid Waste Disposal

The applicant is proposing contract haul as a mechanism for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste Department. Comment from the Flathead County Solid Waste District noted that Evergreen Disposal will be the Public Service Commission (PSC) licensed hauler responsible for solid waste disposal in this area.

Finding #3 – Impacts on solid waste disposal would be acceptable with standard conditions because all lots within the proposed subdivision would utilize contract haul services for solid waste management.

c. Roads

Primary access to lots within the subdivision would be from new internal subdivision roads via Columbia Falls Stage. Columbia Falls Stage is a paved, two-lane, County-maintained collector road within a 60 foot wide easement. A looped internal subdivision road, shown as ‘Wiedy Way’ on the preliminary plat, would have two approaches onto Columbia Falls Stage and provide access to lots around the perimeter of the subdivision. Four additional internal subdivision roads would extend off Wiedy Way to provide access to interior lots and connectivity within the subdivision. All internal subdivision roads would be paved and constructed to Flathead County Road and Bridge Department Standards. A draft CC&Rs document was provided with the application materials and indicates the homeowners association would be responsible for maintenance of the internal subdivision roads.

No comments were received from MDT. The Flathead County Road and Bridge Department indicated no comments regarding the proposal. The applicant will be required to show proof of approved approach permits from the Flathead County Road and Bridge Department, prior to final plat approval.

According to the Traffic Impact Study (TIS) the proposal is likely to generate 717 new vehicle trips per day. Trip generation rates used for the proposal are 9.52 trips per single-family dwelling unit. The total new dwelling units would be 76. The latest traffic counts taken by the Flathead County Road and Bridge Department from 2014 indicate the average daily traffic on Columbia Falls Stage is 1,275 vehicles per day (VPD). The proposed subdivision has the potential to increase traffic by less than 2%. According to the TIS, approximately 80% of traffic would utilize Columbia Falls Stage to head south and then west along Highway 35 towards Kalispell. The remaining 20% of traffic would head north along Columbia Falls Stage.

The traffic study states, “As proposed, the Rolling Acres Subdivision will not create any roadway capacity problems on adjacent roadways. All nearby intersections will continue to function at acceptable levels of service with the proposed development. No additional traffic controls or turn lane are currently recommended with the Rolling Acres Subdivision.”

Finding #4 – The road system appears to be acceptable with conditions because primary access to the subdivision would be via Columbia Falls Stage which is a paved, County-maintained road, access to each lot within the subdivision would be

via paved internal subdivision roads, the proposed subdivision has the potential to increase traffic on Columbia Falls Stage by 56%, existing roads appear capable of accommodating the increase in traffic, a road user's agreement or CC&R's will be required for internal subdivision roads, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Columbia Falls Stage.

d. Schools

The property is located in the Fair-Mont-Egan Elementary School District and the Flathead High School District. According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2019 states there are 16,422 students enrolled in County schools. The total students (16,422) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, 77 residential lots could generate approximately 27 school age children. No comment was received from the school districts. It is anticipated the number of students generated by this proposal could be served without introducing significant impacts to the school districts.

e. Mail Delivery

The application indicates centralized mailboxes will serve the proposed subdivision. The location of the mailboxes serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval and should meet the location requirements outlined in Section 4.7.28 FCSR.

f. Recreation

Pursuant to Section 4.7.24 FCSR, parkland dedication is required for major subdivisions with lots that will be less than five gross acres in size. The proposed subdivision would result in 77 lots, 10 of which would be larger than one-half acre and not larger than one acre, and 67 of which would be larger than one acre and not larger than three acres. The 10 lots have a combined gross area of 10.00 acres and the 67 lots have a combined gross area of 78.34 acres. According to the parkland dedication requirement formula, the developer would be required to dedicate 7.5% of the 10.00 acres and 5% of the 78.34 acres, for a total of 4.67 acres.

The EA states, "Given the rural nature of this subdivision, lots sized at one acre or larger coupled with the projected open space no parkland been proposed. A jogging/walking path around the entire perimeter of the subject tract is proposed as a recreational amenity." The preliminary plat includes a 15 foot wide path easement around the perimeter of the subdivision which would encompass approximately 3.07 acres. Additionally, the existing 200 foot wide BPA easement encompasses approximately 9.86 acres.

Section 4.7.24(d) FCZR states, "The Commission shall waive the parkland dedication requirements if it determines that one of the following applies:

- i. The proposed subdivision provides for a planned unit development or other development with land permanently set aside for parkland sufficient to meet the needs of the residents of the development and equals or exceeds the area of the required parkland dedication pursuant to Subsection (e);"*

Because the proposed subdivision incorporates approximately 12.93 acres of dedicated open space, which exceeds the amount of parkland dedication required for 77 residential lots, the dedication of additional parkland shall be waived. It appears the open space would be usable land because the preliminary plat shows an 8 foot wide gravel path through the BPA easement which would be accessed from the internal subdivision roads, as well as the 15 foot wide path easement around the perimeter of the subdivision.

The Flathead County Trails Plan designates Columbia Falls Stage as a proposed connector trail, therefore a 15-foot wide pedestrian and bicycle path easement will be required along the east side of the subject property, adjacent to the Columbia Falls Stage right-of-way, in accordance with Section 4.7.19 FCSR.

Finding #5 – Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable with conditions as the proposed subdivision would add approximately 27 students to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, the proposed open space areas would satisfy the parkland dedication requirements, and a 15-foot wide pedestrian and bicycle path easement would be required along Columbia Falls Stage.

3. Public Health And Safety

a. Storm Water Drainage

The EA states, “The storm water from the development will be managed through a infiltration swale/ditch along the access roadways. This ditch system will convey storm water to the naturally low points of the road design. Drywells may be installed at low points providing additional infiltration if required. Cross connecting culverts will eliminate possibilities of overtopping or flooding. Storm drainage on the lots will be addressed at the time of individual lot development.”

Comment from the Flathead City-County Health Department states, “This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal.”

Finding #6 – Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces within the proposed subdivision will be accommodated via onsite ditches and drywells and the proposed storm water management plan will require review and approval through the Flathead City-County Environmental Health Department and Montana Department of Environmental Quality.

b. Fire/Emergency Medical Services

The subject property is located within the Creston Fire District and a fire station is located approximately 4.2 driving miles to the southeast on Lake Blaine. The subject property is not located within the Wildland Urban Interface (WUI) or a Fire District Priority Area. Based on the location of the property in proximity to the fire station, response times are anticipated to be reasonable.

Comments from the Fire Department regarding fire suppression state, “From a fire perspective this project will require either a fire hydrant system (preferred) to International Fire Code standards or a large quantity water tender recharge facility. If a recharge facility is the chosen method of water delivery for fire, the minimum usable gallonage will be 30,000 gallons with a ‘keep full’ filling requirement and a minimum of a 500 gpm discharge pump from the tank(s). We would need to coordinate the location for such a facility as it must be accessible from all areas of the development year round and it must be capable of handling large, heavy truck traffic, ideally this water facility would be near Columbia Falls Stage. Maintenance of such facility will initially be the responsibility of the developer with future responsibility going to the HOA. Such facility would have to be completed and operational prior to any building within the development.” The preliminary plat indicates the location for a tanker recharge site adjacent to the BPA easement.

The Creston Fire Department have trained EMTs but are a non-transport department. Ambulance service would be available from the Evergreen or Bigfork Fire Department, as well as ALERT service provided by Kalispell Regional Medical Center (KRMC).

c. Police Services

The proposed subdivision is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff’s Office. The Flathead County Sheriff’s Office did not provide comment regarding the proposed subdivision. Given existing staffing levels and shift rotations, the size of the county and the dispersed nature of the population, delayed response times in the event of an emergency may be anticipated. The property’s distance from the Sheriff’s Office in Kalispell would result in response times being slower than response times in more urban areas of the County.

Finding #7 – Impacts on fire, emergency medical, and police services would be minimal with standard conditions because the subdivision would be served by the Creston Fire District and Flathead County Sheriff’s Office in the event of an emergency, the property is not located in a Wildland Urban Interface or Fire District Priority Area, and the applicant would be required to meet the requirements of the fire district prior to final plat approval.

d. Impact of Noise

While some noise and vibration will probably result from construction, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

e. Air Quality

Primary access to the subdivision is proposed via Columbia Falls Stage, which is a paved, County-maintained road, and all lots within the subdivision would be accessed via paved internal subdivision roads.

The proposed subdivision will not generate any additional dust except during construction activities. The applicant has submitted a Dust Control Plan compliant with Section 4.7.14 FCSR which addresses dust related to construction. A note shall be required to be placed on the face of the final plat that requires the owners of all lots to abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #8 – Impacts to noise and air quality are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision will be paved, and a Dust Control Plan will be required to mitigate potential issues of dust during construction.

f. High Voltage Electric Lines/High Pressure Gas Lines

There are no high pressure gas lines on the subject property. As illustrated on the preliminary plat, the proposed subdivision is traversed by a 200-foot-wide high voltage transmission line right-of-way. Several lots within the subdivision would abut the right-of-way, and new internal subdivision roads would intersect the right-of-way in three locations. Additionally, the preliminary plat designates the right-of-way as open space and shows a proposed 8-foot-wide gravel path. BPA provided comment and indicated some concerns regarding activities within the easement which could interfere with maintenance or cause safety concerns. BPA requested a statement appear on the face of the final plat outlining use restrictions and information regarding the permitting process.

The EA states, “The Bonneville Power Administration (BPA) power line is located in a 200; wide easement to mitigate any dangerous accidents or situations. All new structures associated with the development will be located outside of the easement. Additionally the easement area will be maintained and kept free of debris and mowed regularly.”

g. Airport Influence Areas

The subject property is not within an airport influence area.

Finding #9 – Impacts to public health and safety from high pressure gas lines or airport influence areas are not anticipated because no high pressure gas lines are located on the subject property and the property is not located within an airport influence area, and impacts from high voltage electric lines would be minimal with conditions because all activities within the BPA right-of-way would be required to be permitted by BPA prior to installation or construction.

4. Natural Environment

a. Soils

According to the National Resources Conservation Services (NRCS) web soil survey, soils on the property are comprised of two types: Blanchard fine sand, 12 to 35 percent slopes, wind eroded (Bm) and Creston silt loam, 0 to 3 percent slopes (Ce). The soils are classified as well to excessively drained and are not subject to ponding or flooding. According to the EA, the soils on the property “do not pose any unusual site soil limitations for ordinary construction techniques.”

b. Geologic/Avalanche Hazards

The subject property is relatively flat. There appears to be no evidence of unstable soils, rock outcroppings, falls, or slides indicating significant geologic hazards on the property. The EA states, “The site is comprised almost entirely of Whitefish cobbly silt loam and there does not poses any unusual site soil limitations for ordinary construction techniques.” The subdivision is not located in an area of the County considered to be prone to avalanche hazards.

Finding #10 – No impacts from geological and avalanche hazards are anticipated because the subject property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls, or slides indicating significant geologic hazards on the property.

c. Flora

The Montana Natural Heritage Program report identifies eight plant species of concern and five potential plant species of concern in the township and range of the proposed subdivision. The species of concern in the vicinity include: Deer Indian Paintbrush, Latah Tule Pea, Pygmy Water-lily, Spalding’s Catchfly, Sparrow’s-egg Lady’s-slipper, Beaked Spikerush, Slender Cottongrass, and Short-beaked Aloe Moss. Maidenhair Spleenwort, Yellow-staining Collomia, Small Yellow Lady’s-slipper, An Amblyodon Moss, and Pretty Branch Moss are listed as a potential plant species of concern. Most of these species reside in habitats which are not located on the subject property including riparian, forest (open/valley), aquatic, grasslands (intermountain), forests (mesic bottoms), wetlands (alkaline), and fens. Several of the plant species reside in wetlands. The northwestern portion of the subject property appears to contain a wetland, however, the wetland area will be designated at a ‘No Build Zone’. The EA states, “No known critical plant communities or trees are currently located on the subject property.”

The prevention of noxious weeds is particularly important with regard to construction and development. Pursuant to Section 4.7.25 FCSR, an approved weed control plan, applicable to all lots, will be required as a condition of final plat approval.

d. Riparian/Wetland Areas

The National Hydrography Dataset does not illustrate any streams on the Flathead County GIS Interactive Mapping Application (IMA). The IMA does indicate a wetland near the northwest corner of the property, however, the National Wetland Inventory (NWI) does not show any mapped wetlands on the property. The EA states, “A small wetland is present on the northwestern corner of the subject property. No changes are proposed in the wetland and the wetland & buffer will be declared a ‘No Build’ Zone.” Per Section 4.7.10(c) FCSR, a wetland delineation is not required when the extent of the wetland areas is apparent and the wetland areas are designated as a ‘No Build Zone’ on the final plat.

e. Floodplain

According to FEMA FIRM Panel 30029C1830J, the subject property is mapped as unshaded Zone X. Zone X is defined as areas outside of the 0.2% annual chance flood hazard area.

Finding #11 – Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal with conditions because the applicant will be required to provide an approved weed control plan prior to final plat approval, the subject property does not contain riparian areas and is located outside of the 0.2% annual chance flood hazard area, and impacts to wetland areas would be mitigated by a ‘No Build Zone’ on the face of the final plat.

5. **Wildlife and Wildlife Habitat**

The Montana Natural Heritage Program report identifies fourteen species of concern and one special status species in the township and range of the proposed subdivision. The species of concern in the vicinity include: Wolverine, Hoary Bat, Canada Lynx, Little Brown Myotis, Fisher, Grizzly Bear, Golden Eagle, Great Blue Heron, Veery, Westslope Cutthroat Trout, Pygmy Whitefish, Bull Trout, Hooked Snowfly, and Alberta Snowfly. The Bald Eagle is listed as a special species of concern. Most of these species reside in habitats which are not located on the subject property such as forests, alpine habitats, riparian, streams, rivers, and lakes. The Little Brown Myotis is a generalist and could potentially reside on the property.

The EA states, “The proposed subdivision is not adjacent to any existing urbanized areas, however, it is adjacent to an existing residential area. The subject tract contains little to no wildlife habitat and development will therefore have a minimal impact to the wildlife habitat.”

Given the rural location, the size of the subject property, and the proximity to the Flathead River, some level of impact to wildlife can be expected as a result of the proposed subdivision. Based upon information provided by Montana Fish, Wildlife and Parks (FWP), the area of the County in which the subdivision is located serves as important wildlife habitat and movement corridors for migratory waterfowl, pheasants, turkeys, white tailed deer, and elk. Additionally, bears and mountain lions utilize the adjacent riparian areas. The comment states, “We anticipate that the development of this subdivision will result in increased levels of human-wildlife conflicts, as well as a significant loss of wildlife habitat and connectivity along the riparian movement corridor. Cumulative impacts from this high-density housing development will add to the continued loss of wildlife habitat in the Flathead Valley. The open space provided is a powerline corridor and will not function as wildlife habitat or provide a useful movement corridor.” FWP recommended eleven conditions to include in the subdivision CC&Rs to mitigate human-wildlife conflicts. Ensuring the future lots owners are aware of their surroundings and the presence of wildlife in and around the subject property would help to mitigate potential conflicts, and could be addressed by including mitigation measures in the subdivision CC&R’s, the draft of which currently contains no provision regarding wildlife.

Finding #12 – Impacts to wildlife and wildlife habitat are anticipated due to the scale of the proposed subdivision which would be developed within a large agricultural area which serves as wildlife habitat and movement corridors for a variety of species, however, the property does not contain habitat species of concern generally reside in, and human-wildlife conflict could be minimized by implementing the conditions recommended by Montana Fish, Wildlife and Parks recommended conditions into CC&Rs for the subdivision.

6. Historical Features

The Environmental Assessment indicates there are no known historical, archeological, or cultural sites on the subject property.

Finding #13 – The proposed subdivision would not adversely impact historical features because there are no known historical, archeological, or cultural sites on the subject property.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #14 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

No variances have been requested with this application.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

March 27, 2020

ii. Application Deadline Date (6 months from pre-application)

September 27, 2020

iii. Application Submittal Date

May 4, 2020

iv. Completeness Date

May 7, 2020

v. Sufficiency Date

May 28, 2020

vi. Agency Referral Requests Mailing Date

July 7, 2020

vii. Adjacent Property Notification Mailing Date

July 24, 2020

viii. Legal Notice Publication Date

July 26, 2020

ix. On-site Posting of Public Hearing Date

July 24, 2020

Finding #15 – The proposed subdivision has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

Finding #16 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Primary access to the subdivision would be from Columbia Falls Stage, which is a County-maintained road within a 60-foot wide right-of-way. Internal subdivision roads are proposed off Columbia Falls Stage to provide access to lots within the subdivision. Approach permits will be required from the Flathead County Road and Bridge Department for the internal subdivision road approach onto Prairie View Road.

Finding #17 – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because Columbia Falls Stage would provide access to the subdivision and the proposed internal subdivision roads would provide access to each lot.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The proposed subdivision is located in an area of Flathead County that is not within a neighborhood plan.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

The proposed subdivision is located in an area of Flathead County that is not zoned.

Finding #18 – The proposed subdivision generally complies with the Flathead County Growth Policy and the zoning regulations because the proposed subdivision is not zoned and proposal conforms to the regulations used in the review of subdivision in Flathead County.

V. SUMMARY OF FINDINGS

1. The proposed subdivision is anticipated to have an impact on agricultural facilities because the property is currently in agricultural production, the majority of soil types on the property are classified as prime farmland, and comment from the Flathead Conservation District indicates concerns regarding the loss of agricultural land; however, there would be minimal impacts to adjacent agricultural facilities and water user facilities as a result of the proposed subdivision because adjacent properties are not dependent upon the subject property for continued agricultural use, and the property has no irrigation infrastructure on

site, is not in an irrigation district, and is not party to any irrigation agreements. [Condition 18]

2. The proposed subdivision would have minimal impact on water and wastewater services as the property is not located within a water and sewer district, the proposed subdivision would utilize shared wells, individual septic systems, and a community sand mound septic system, and the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality as applicable. [Conditions 2, 19]
3. Impacts on solid waste disposal would be acceptable with standard conditions because all lots within the proposed subdivision would utilize contract haul services for solid waste management. [Conditions 9, 12]
4. The road system appears to be acceptable with conditions because primary access to the subdivision would be via Columbia Falls Stage which is a paved, County-maintained road, access to each lot within the subdivision would be via paved internal subdivision roads, the proposed subdivision has the potential to increase traffic on Columbia Falls Stage by 56%, existing roads appear capable of accommodating the increase in traffic, a road user's agreement or CC&R's will be required for internal subdivision roads, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Columbia Falls Stage. [Conditions 5, 6, 20]
5. Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable with conditions as the proposed subdivision would add approximately 27 students to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, the proposed open space areas would satisfy the parkland dedication requirements, and a 15-foot wide pedestrian and bicycle path easement would be required along Columbia Falls Stage. [Conditions 8, 21]
6. Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces within the proposed subdivision will be accommodated via onsite ditches and drywells and the proposed storm water management plan will require review and approval through the Flathead City-County Environmental Health Department and Montana Department of Environmental Quality. [Conditions 2, 14]
7. Impacts on fire, emergency medical, and police services would be minimal with standard conditions because the subdivision would be served by the Creston Fire District and Flathead County Sheriff's Office in the event of an emergency, the property is not located in a Wildland Urban Interface or Fire District Priority Area, and the applicant would be required to meet the requirements of the fire district prior to final plat approval. [Condition 3]
8. Impacts to noise and air quality are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision will be paved, and a Dust Control Plan will be required to mitigate potential issues of dust during construction. [Conditions 10, 12]

9. Impacts to public health and safety from high pressure gas lines or airport influence areas are not anticipated because no high pressure gas lines are located on the subject property and the property is not located within an airport influence area, and impacts from high voltage electric lines would be minimal with conditions because all activities within the BPA right-of-way would be required to be permitted by BPA prior to installation or construction. [Condition 18]
10. No impacts from geological and avalanche hazards are anticipated because the subject property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls, or slides indicating significant geologic hazards on the property.
11. Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal with conditions because the applicant will be required to provide an approved weed control plan prior to final plat approval, the subject property does not contain riparian areas and is located outside of the 0.2% annual chance flood hazard area, and impacts to wetland areas would be mitigated by a 'No Build Zone' on the face of the final plat. [Conditions 4, 12, 22]
12. Impacts to wildlife and wildlife habitat are anticipated due to the scale of the proposed subdivision which would be developed within a large agricultural area which serves as wildlife habitat and movement corridors for a variety of species, however, the property does not contain habitat species of concern generally reside in, and human-wildlife conflict could be minimized by implementing the conditions recommended by Montana Fish, Wildlife and Parks recommended conditions into CC&Rs for the subdivision. [Condition 23]
13. The proposed subdivision would not adversely impact historical features because there are no known historical, archeological, or cultural sites on the subject property.
14. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 13]
15. The proposed subdivision has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.
16. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 13]
17. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because Columbia Falls Stage would provide access to the subdivision and the proposed internal subdivision roads would provide access to each lot. [Condition 20]
18. The proposed subdivision generally complies with the Flathead County Growth Policy and the zoning regulations because the proposed subdivision is not zoned and proposal conforms to the regulations used in the review of subdivision in Flathead County.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria found in Section 4.7 FCSR, pursuant to the draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditional of approval. Should the Flathead County Board of Commissioners choose to grant preliminary plat approval of this subdivision, the following draft conditions should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Sections 4.7.16(g)(iv), 4.7.26(c) FCSR]
2. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR and Finding of Fact (FOF) 2, 6]
3. The developer shall comply with reasonable fire suppression and access requirements of the Creston Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and FOF 7]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 11]
5. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR and FOF 4]
6. With the application for final plat, the developer shall provide a compliant Road User's Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR and FOF 4]
7. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR and FOF 5]

9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 3]
10. The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
11. All road names shall be approved by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
 - d. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR and FOF 3]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [Section 4.7.25 FCSR and FOF 11]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 14, 16]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.) and FOF 6]
15. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]

17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties will not be restricted as a result of the development or occupancy of this subdivision. [FOF 1]
 - b. The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (509) 468-3081. [FOF 9]
19. Prior to final plat approval the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR, FOF 2]
20. Prior to final plat approval, the applicant shall provide approach permits from the Flathead County Road and Bridge Department for the approaches Columbia Falls Stage. [Section 4.7.16 FCSR and FOF 4, 17]
21. A 15-foot wide pedestrian and bicycle path easement shall be shown on the face of the final plat for the entire length of the subdivision adjacent to the Columbia Falls Stage right-of-way. [Sections 4.7.19 FCSR and FOF 5]
22. The boundaries of the wetland shown on the preliminary plat shall be labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.10 FCSR and FOF 11]
23. Prior to final plat, the CC&R's shall be amended to include a wildlife-specific section which includes the conditions recommended in the comment from Montana Fish, Wildlife and Parks to minimize potential for conflicts between future lot owners and wildlife. [FOF 12]